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# FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

## Five-year Review of the Implementation of the Vienna Declaration and Programme of Action

## Interim report of the United Nations High Commissioner for Human Rights

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## Introduction

"The Vienna Declaration and Programme of Action undoubtedly constitutes one of the major events in the United Nations history of human rights. If adequately implemented, it will be a milestone in this history."

- from the report of the Secretary-General on the follow-up to the World Conference on Human Rights to the General Assembly at its forty-ninth session (A/49/668)

1. The year 1998 marks both the fiftieth anniversary of the Universal Declaration of Human Rights and the five-year implementation review of the Vienna Declaration and Programme of Action ("Vienna+5" Review). They provide a suitable framework for a substantive contribution to the promotion and protection of human rights by addressing the major challenges still to be met in making human rights a reality for all people. Following a period of intensive standard-setting, our attention is increasingly concentrated on the implementation of human rights standards and the prevention of their violation. The universality of human rights, their equal value and indivisibility, manifested in the fact that they are mutually reinforcing, should guide all sectors of the international community in giving effect to the recommendations adopted by the World Conference on Human Rights in Vienna.

2. In reviewing the status of its implementation, it should be recalled that the Vienna Declaration and Programme of Action was the result of concerted efforts by 171 Member States of the United Nations whose representatives took part in Conference deliberations and in four sessions of the Preparatory Committee, three regional and hundreds of other pre-Conference meetings. In addition, thousands of preparatory documents, position papers and contributions by 95 international organizations, expert bodies, national human rights institutions and approximately 900 non-governmental organizations were considered as part of the World Conference process.

3. When the Conference opened in Vienna on 14 June 1993, the expectations among participants were uncertain. The four sessions of the Conference's Preparatory Committee had produced a draft final document which was reported to be the most heavily bracketed document in United Nations history. Nevertheless, the World Conference was able to produce a document which "in essence, charts the course of action of the international community well into the next century. It is a universal document adopted after all nations of the world had the opportunity to determine their own human rights preoccupations, including in the framework of regional and local human rights institutions. The Vienna Declaration and Programme of Action constitutes the crowning piece of a long process of consultation and joint action with the participation not only of Governments but also of United Nations organs and bodies, human rights treaty bodies, regional intergovernmental organizations, as well as organizations representing all segments of civil society, including national institutions and non-governmental organizations" (A/49/668, para. 2). This reference to the history of the impressive final result of the World

Conference illustrates a basic observation which is also pertinent to the present Review process: that international cooperation is crucial for the effective promotion and protection of human rights.

4. In the Vienna Declaration and Programme of Action ("VDPA"), the World Conference on Human Rights requested the Secretary-General of the United Nations "to invite on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights all States, all organs and agencies of the United Nations system related to human rights, to report to him on the progress made in the implementation of the present Declaration and to submit a report to the General Assembly at its fifty-third session, through the Commission on Human Rights and the Economic and Social Council. Likewise regional and, as appropriate, national human rights institutions, as well as non-governmental organizations, may present their views to the Secretary-General on the progress made in the implementation of the present Declaration" (Part II, paragraph 100).

5. Pursuant to this recommendation, the Office of the High Commissioner for Human Rights requested all interested parties to submit their contributions to the Review process. As of the date of final submission of the present report, reports had been received from the following Governments: Bahrain, Brazil, Brunei Darussalam, Canada, Croatia, Cyprus, Czech Republic, Djibouti, Egypt, France, Germany, Greece, India, Ireland, Iraq, Japan, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Peru, Poland, Russian Federation, Sudan, Tunisia, Turkey, Ukraine, Venezuela and Viet Nam. China and Cuba sent their views concerning the Review process. The following United Nations bodies and organizations submitted reports: Department of Public Information of the Secretariat, United Nations Conference on Trade and Development, United Nations Development Programme, World Food Programme, Office of the United Nations High Commissioner for Refugees, United Nations Centre for Human Settlements (Habitat), UNAIDS, International Labour Organization, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, World Health Organization, United Nations Industrial Development Organization. Contributions have also been received from the Council of Europe, the Organization of American States and the National Human Rights Commissions of Canada, New Zealand, the Philippines and Zambia. All contributions will be available in the Commission's secretariat during its fifty-fourth session. It will also be possible at a later stage to update the report to the General Assembly.

6. The General Assembly at its fifty-second session adopted resolution 52/148 in which it requested the High Commissioner to present an interim report on the progress made in the implementation of the Vienna Declaration and Programme of Action, as foreseen in its Part II, paragraph 100, to the Commission on Human Rights at its fifty-fourth session and a final report to the General Assembly at its fifty-third session. The present report is submitted pursuant to this resolution. It should be considered in the context of the annual report of the High Commissioner and other reports submitted to the fifty-fourth session of the Commission on Human Rights.

## I. FRAMEWORK OF THE REVIEW

7. The Vienna Declaration and Programme of Action is a comprehensive document. It reaffirms the principles and commitments which frame the actions for the promotion and protection of human rights in the contemporary world and makes operational recommendations addressed to the international community, national authorities and civil society. Observance of and respect for human rights as goals of the United Nations include and consolidate the provisions of the Vienna Declaration and Programme of Action. The World Conference identified objectives to be achieved in various areas, as well as major obstacles to and shortcomings in the implementation of human rights, also specifying concrete measures which should help to overcome the existing difficulties. The Vienna Declaration and Programme of Action gives a long-term orientation to the United Nations human rights programme.

8. The General Assembly evaluated the work of the World Conference as a solid foundation for further action and initiatives by the United Nations and other interested international bodies, as well as by the States and national organizations concerned. The Assembly stressed its conviction that its results would have to be translated into effective action by States, the competent organs and organizations of the United Nations and other organizations concerned, as well as non-governmental organizations.

9. The "Vienna+5" Review is an important part of the follow-up mechanism to the World Conference on Human Rights, which also includes:

(a) Consideration by the General Assembly, Economic and Social Council, the Commission on Human Rights and other competent organs and bodies of the United Nations system of appropriate measures to fully implement recommendations contained in the VDPA (Part II, paragraph 99);

(b) The annual review by the Commission on Human Rights of the progress made towards this end (Part II, paragraph 99);

(c) Establishment by the General Assembly, in resolution 48/141, of the High Commissioner for Human Rights as the United Nations official with principal responsibility for United Nations human rights activities under the direction and authority of the Secretary-General. The overall mandate of the High Commissioner includes the coordination of the implementation of the VDPA by the United Nations system;

(d) Participation by the High Commissioner in the process of coordinated follow-up to world conferences and summits established by the United Nations Administrative Committee on Coordination, pursuant to the ACC decision of 25 October 1996.

10. The "Vienna+5" Review should: (a) focus on the fundamental task of the international community today -- implementing human rights worldwide; (b) promote positive developments and give due credit to achievements in implementing the VDPA; (c) identify major obstacles to full implementation of the VDPA and offer practical ideas for addressing these issues in the years ahead; (d) like the World Conference on Human Rights, be comprehensive and thematically oriented; (e) assist in identifying the goals and tasks ahead;

(f) envisage methods of achieving a concerted United Nations system-wide approach to human rights, including interaction between the implementation of the recommendations adopted by the World Conference on Human Rights and other United Nations conferences and summits.

11. In light of the decisions taken by the General Assembly, ECOSOC and the Commission on Human Rights, as well as the reports of the High Commissioner for Human Rights to these bodies, the Review will have the following overall structure:

(a) Commission on Human Rights (fifty-fourth session) - the Commission may wish to undertake an initial review of the implementation of the VDPA;

(b) ECOSOC - the coordination segment of ECOSOC during its substantive session in July 1998 will be dedicated to the coordinated follow-up to and implementation of the VDPA as part of the 1998 five-year review;

(c) General Assembly (fifty-third session) - the Assembly may wish to carry out a comprehensive analysis of the progress achieved in the implementation of the VDPA and consider recommendations, if any, made by the Commission on Human Rights, ECOSOC, the Secretary-General and the High Commissioner for Human Rights. This process should highlight the activities of all actors involved, including international and regional organizations, as well as civil society.

12. The General Assembly and the Commission on Human Rights have requested the High Commissioner to coordinate preparations for "1998" within the United Nations system. Their respective resolutions (51/118 and 52/148; 1996/78 and 1997/69) also call on the international community to contribute to the review of the implementation of the VDPA. The ACC authorized the High Commissioner for Human Rights to convene inter-agency consultations to prepare, for its consideration and assessment, the response by the United Nations system to the Vienna Declaration and Programme of Action and to make recommendations for a coordinated approach to the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights.

13. The High Commissioner organized nine inter-agency consultations in 1997, eight of which were held in Geneva and one in New York. The High Commissioner presented the results of these consultations to the ACC at its meeting on 30 October 1997. The consultations have developed programmes for the commemoration of the fiftieth anniversary of the Universal Declaration and for the "Vienna+5" Review: they indicate a growing involvement on the part of agencies and programmes in activities relevant to human rights. They also confirm that regular inter-agency exchanges greatly contribute to the effectiveness and efficiency of United Nations human rights activities. The report to the Economic and Social Council will be prepared in the framework of the aforementioned inter-agency process.

## II. REPORTS

### A. Governments

14. The reports submitted by Governments in the framework of the present Review address all aspects of the VDPA. Reports are characterized by a comprehensive approach, reflecting both national and international dimensions of human rights. The substance dealt with in the reports can be categorized as follows: (a) the views of Governments concerning the role of the VDPA; while stressing the need for a balanced approach, the reports usually attach particular importance to some specific aspects of this document; (b) a description of the steps undertaken to implement the VDPA at both the national and international levels; (c) comments of Governments regarding the international promotion and protection of human rights. This approach should allow for a comprehensive and future oriented review.

15. The reports of Governments confirm the important impact which the World Conference has had on the promotion and protection of human rights. The VDPA has guided changes in national legislation and practice. It is evident, however, that full implementation of the recommendations adopted by the World Conference still has not been attained.

16. At the national level, the Review can foster a human rights-oriented dialogue between Government and society and encourage various departments of Government to have a human rights focus. Thus, the Review process can become a catalyst for development and democracy. Identification of good practices and existing problems will have a lasting positive impact on human rights developments. In light of the already available reports, the following good practices can be highlighted: (a) human rights-oriented changes in national legislation; (b) enlargement of national human rights capacities, including the establishment or strengthening of national human rights institutions (national commissions and ombudspersons); (c) special protection extended to women, children and vulnerable groups; (d) development of human rights education programmes; (e) adoption of national plans of action.

17. Comments by Governments on the international promotion and protection of human rights underline, inter alia: (a) the role of close international cooperation as the framework for progress in the field of human rights; (b) the insufficient weight given to certain aspects of human rights, especially with regard to economic, social and cultural rights and the right to development; (c) the need for greater effectiveness and efficiency of the international system in promoting and protecting human rights and for the human rights machinery to adapt to evolving needs; (d) the shortage of resources earmarked for the United Nations human rights programme to enable, inter alia, a prompt response to requests for technical assistance.

### B. United Nations system

18. Most reports from United Nations bodies and organizations devote attention to the following issues: (a) developments in the coordination of human rights activities within the United Nations system since 1993; (b) substantive steps which have been taken by the United Nations to better integrate issues relating to the equal status and rights of women into the

work of the Organization; (c) progress made in advisory services and technical cooperation in the field of human rights and related areas such as good governance and sustainable development, thereby affirming the Vienna Declaration's emphasis on the interrelationship between democracy, development and respect for human rights.

19. The reports by United Nations bodies and organizations highlight the expanded role which human rights now play in the work of the United Nations and point to the increasing efforts within the United Nations system to cooperate in order to achieve greater effectiveness and efficiency. In this regard, the coordinating role of the High Commissioner is cited as a critical development which contributes to this process and which should be further strengthened.

## III. THE IMPACT OF THE WORLD CONFERENCE

20. It is not the purpose of the interim report to anticipate the conclusions which should result from the "Vienna+5" Review to be completed by the General Assembly. However, with a view to facilitating further stages of the Review process, some general comments on the role of the Vienna Declaration and Programme of Action would be appropriate. The information in the reports received so far provides the necessary context for this presentation.

21. There can be little doubt that the VDPA has had an important impact on the promotion and protection of human rights worldwide. Documents issued by the United Nations, Governments, and international and non-governmental organizations include numerous references to the VDPA. Today no human rights debate can ignore this document, an important argument for the promotion and protection of human rights in various areas. Government reports and other contributions to the Review process provide evidence of the extent to which progress in the field of human rights is associated with the VDPA. At the same time, the VDPA is also referred to in order to highlight, by reference to its unfulfilled recommendations, existing shortcomings in the promotion and protection of human rights. Throughout 1998, the world community will weigh the impact of the VDPA at national and international levels. Lessons from this process should be a vehicle for progress.

### A. Integrated and holistic approach - universality of human rights, right to development, non-discrimination

22. The fact that for the first time in history such a large number of countries - 171 States - unanimously endorsed all the basic principles which should guide the promotion and protection of human rights worldwide is frequently cited as the principal achievement of the World Conference on Human Rights. The Conference reaffirmed the universal nature of all human rights and that human rights and fundamental freedoms were the birthright of all human beings, and equally that it was the solemn commitment of all States to fulfil their obligations to promote and respect human rights (Part I, paragraph 1); it also stated that, in the framework of the purposes and principles of the United Nations, the promotion and protection of all human rights is a legitimate concern of the international community (Part I, paragraph 4). The Conference stressed that all human rights are universal,

indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms (Part I, paragraph 5).

23. While recognizing that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing (Part I, paragraph 8), the Conference also reaffirmed that the right to development, as established in the Declaration on the Right to Development, is a universal and inalienable right and an integral part of fundamental human rights and that the human person is the central subject of development (Part I, paragraph 10). By making this statement, the World Conference established the foundation for a holistic and integrated approach to human rights not only by the human rights machinery but also by the entire United Nations system. To implement the World Conference's recommendations in this regard, the High Commissioner has made the right to development one of the basic principles of her activities and is developing a strategy which should foster its implementation (see E/CN.4/1998/122).

24. The World Conference reaffirmed equality and non-discrimination as basic human rights principles and recognized that respect for human rights and fundamental freedoms without distinction of any kind is a fundamental rule of international human rights law. Consequently, the Conference classified speedy and comprehensive elimination of all forms of racism and racial discrimination, xenophobia and related intolerance as a priority task for all sectors of the international community. Governments, groups, institutions, intergovernmental and non-governmental organizations and individuals were urged to intensify their efforts in cooperating and coordinating their activities against these evils (Part I, paragraph 15). The General Assembly, by its resolution 48/91 of 20 December 1993, proclaimed the Third Decade to Combat Racism and Racial Discrimination. The Programme of Action for the Decade provides the basic framework for international and national efforts which include educational and promotional activities. Advisory services and information concerning various aspects of racism, racial discrimination and xenophobia, including the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, are available to Member States upon request. The Commission on Human Rights, at its forty-ninth session, decided to appoint a Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The World Conference also called for countering intolerance and related violence based on religion or belief, recognizing that every individual has the right to freedom of thought, conscience, expression and religion, and condemned the practice of ethnic cleansing.

## B. International cooperation

25. The World Conference outlined the vision of supporting democracy, development and human rights through increased international cooperation. It recognized that cooperation among Governments, relevant specialized agencies and programmes and non-governmental organizations, as well as between various

actors and the United Nations human rights machinery, is vital for further progress in creating the conditions whereby full respect for the dignity of all human beings is ensured. A global partnership for human rights is necessary to achieve this fundamental goal.

26. The increased role of human rights in international cooperation after Vienna is visible in multilateral and bilateral relations. Among other things, the multifaceted participation of civil society, in particular non-governmental organizations and the academic community, in the international human rights dialogue should be viewed as one of the lasting achievements of the process leading to the Vienna Conference. However, critical views on the present status of international cooperation in the field of human rights should also be noted. The Commission on Human Rights and the General Assembly regularly refer to Governments that refuse to cooperate with the United Nations human rights machinery or its components. Some Governments maintain that a selective and politicized attitude to human rights is presented in international forums. The present Review provides an opportunity to advance friendly international cooperation by identifying problems and proposing solutions. The High Commissioner, who is mandated to act with a view to enhancing international cooperation for the promotion and protection of all human rights, continues to develop dialogue with all components of the international community and undertakes to facilitate cooperation among them.

## C. Mainstreaming human rights in United Nations activities

27. The VDPA emphasizes that the promotion and protection of all human rights is a priority objective of the United Nations in accordance with its purposes and principles and recommends increased coordination within the United Nations system in this area. The Secretary-General's programme for reform stresses that "human rights are integral to the promotion of peace and security, economic development and social equity" (A/51/950, para. 78) and calls for mainstreaming human rights in United Nations activities. The reports submitted by United Nations agencies and programmes indicate that this process is advancing rapidly. The Secretariat's work programme has been focused on five areas: peace and security, economic and social affairs, development cooperation, humanitarian affairs, and human rights. The participation of the High Commissioner in all the Executive Committees of the Secretariat assures the integration of human rights into the Organization's activities - in conformity with existing mandates - including development and humanitarian issues.

28. The Office of the High Commissioner continues to develop close cooperation with the United Nations agencies and programmes and offers expertise in the field of human rights. Following the programme for reform, the High Commissioner has undertaken an analysis of technical assistance provided by the United Nations in the areas relevant to human rights. This analysis should lead to proposals for better coordination and increased effectiveness and efficiency of action within the United Nations system.

## D. Target-oriented protection

29. The World Conference addressed a broad range of phenomena and groups requiring special consideration by the international community in efforts to

promote and protect human rights. It expressed its dismay and condemnation of gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of all human rights, which include torture and cruel, inhuman and degrading treatment or punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism, racial discrimination and apartheid, foreign occupation and alien domination, poverty, hunger and other denials of economic, social and cultural rights, religious intolerance, terrorism, and lack of the rule of law. The situations of persons exposed to racial discrimination, xenophobia and other forms of intolerance; persons belonging to national or ethnic, religious and linguistic minorities; indigenous people; migrant workers; the disabled; and refugees and internally displaced persons are specifically addressed by the VDPA.

30. The equal status and rights of women became one of the pillars of the World Conference, which urged recognition of the full enjoyment by women of all human rights, as well as their equal participation in political, civil, economic, social and cultural life, as a priority for Governments and the United Nations. The World Conference stressed the need for mainstreaming the issues relating to the equal status and human rights of women into United Nations system-wide activities.

31. An analysis of the available reports reveals that the relevant recommendations of the World Conference, which were endorsed subsequently by the Fourth World Conference on Women in Beijing in 1995, have contributed to efforts aimed at developing a comprehensive and multidimensional approach to the protection of the human rights of women. One positive trend can be noted with regard to the elimination of sex-based discrimination from national legislation. In some countries, special programmes have been adopted to strengthen the social status of women and to protect their human rights. Several countries have created special institutions to coordinate efforts in this respect. Progress is reported with regard to gender equality in the workplace as well as to the participation of women in various spheres of life, including policy- and decision-making processes. Measures undertaken by Governments also include specific steps to improve the situation of disadvantaged women. The reports attach great importance to the elimination of violence against women. It is to be noted that the Commission on Human Rights in 1994, following a recommendation by the World Conference, established the mandate of the Special Rapporteur on violence against women. The World Conference's call for the eradication of traditional practices affecting the health of women and girl children is also given increased importance, according to the submitted reports. However, it must be stressed that despite increasing efforts to address gender issues proactively, women still constitute the overwhelming majority of people living in poverty, the majority of the world's illiterate, are victimized by violence and conflicts, and suffer disproportionally during famine and epidemics.

32. Contributions of United Nations agencies and programmes provide evidence of the system-wide response to the VDPA's call for the integration of issues relating to the status of women into the mainstream of United Nations activities. Individual programmes designed by interested agencies as well as increased cooperation and coordination between United Nations organs and bodies and relevant specialized agencies in this area were identified as a basic means to that end. The efforts aim at: (a) prevention of and response

to discrimination and violence against women; (b) creation of new frameworks for developing policy and programmatic initiatives to improve the status of women and support women's participation in political, economic, professional, social and cultural life; (c) initiatives focused on the development and empowerment of women (e.g. increasing rural women's access to and control of productive resources and services as well as their role in decision-making, labour, finance, education). Technical assistance, advisory services for Governments and civil society, education programmes, vocational training, and monitoring offered by the United Nations all serve these objectives.

33. The rights of the child are also referred to by many Government and agency contributions as a major focus of activities and programmes. In order to respond to the appeal by the World Conference not only to ratify the Convention on the Rights of the Child but also to take additional measures to benefit the well-being of children, many countries refer to the adoption of plans of action aimed at protecting children, particularly those who are orphans, disabled, or living without adequate housing or supervision. Health issues affecting children, including AIDS and female genital mutilation, are also referred to in contributions as being addressed by national programmes as well as by United Nations agencies and programmes. In cooperation with UNICEF, the Office of the High Commissioner for Human Rights has developed a special plan of action for the implementation of the Convention on the Rights of the Child.

## E. Human rights machinery

34. The World Conference called for strengthening the United Nations human rights machinery and for better coordination of relevant activities. Following a recommendation of the World Conference, the General Assembly at its forty-eighth session considered the question of the establishment of a United Nations High Commissioner for Human Rights. The Assembly, by resolution 48/141, adopted on 22 December 1993, created the new Office, and its first four years of action have brought about considerable changes in the implementation of the United Nations human rights programme.

35. The mandate of the High Commissioner allows for fostering an integrated and holistic approach to human rights both within the United Nations and outside, based on the principle of the universality, indivisibility and equal rank of all human rights. The creation of the post of High Commissioner has given rise to new methods for the promotion and protection of human rights, in particular the prevention of human rights violations; to a human rights presence in the field - either in the form of a self-contained structure or as a part of larger United Nations operations; to human rights diplomacy in the form of high-level dialogue with Governments. The establishment of the High Commissioner's Office has also contributed to a decisive advancement of human rights within the United Nations system and better coordination of related activities. Finally, the post of High Commissioner allows for focused action, as, for example, with regard to the human rights of women and children, minorities and indigenous people (see E/CN.4/1998/122 for details).

36. The United Nations human rights machinery is confronted with many and growing challenges. The Commission on Human Rights, the treaty-based bodies and the special procedures established by the Commission on Human Rights, as

well as the Office of the High Commissioner for Human Rights, must all cope with rapidly growing workloads. This trend is a sign of progress from the point of view of higher visibility and recognition of the importance of the human rights programme. At the same time, however, it poses great organizational and resource challenges. The working group established by the Third Committee of the General Assembly on 12 November 1993 to consider various aspects of the implementation of the recommendations set out in section II, paragraphs 17 and 18, of the VDPA is continuing its activities.

37. The General Assembly entrusted the High Commissioner with specific responsibility for the rationalization and adaptation of the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness. The purpose of the overall reform of the human rights machinery is to make it: (a) more effective and cost efficient; (b) able to act swiftly and to respond appropriately to human rights situations; (c) stronger, through international cooperation in the field of human rights; and (d) more transparent and understandable to the outside world. Following the Secretary-General's programme for reform, the High Commissioner is reviewing the human rights machinery and developing recommendations for streamlining and rationalizing it in keeping with General Assembly resolution 48/141. The programme for reform also indicates that, in the framework of the reform of the human rights programme, the highest priority will be given to strengthening and coordinating substantive and technical support to legislative bodies, monitoring committees and special procedures. Furthermore, to assist these bodies, the establishment of common data banks of information, research and analysis will be accelerated.

38. As of 1 September 1997, the Office of the High Commissioner for Human Rights and the Centre for Human Rights were consolidated into the Office of the United Nations High Commissioner for Human Rights. The restructuring was aimed at providing the human rights programme with a solid institutional basis, ensuring effective and efficient action. New methodologies of work, including horizontal operational linkages between various units, improved flow of information, greater empowerment of staff and decentralization of decision-making and responsibility, should ensure that human rights organs and bodies will be better served, substantively and technically.

39. Various organs and bodies are taking measures to adjust their methods of work to evolving needs. The Commission on Human Rights and its Sub-Commission are reorganizing their agendas. Treaty-based bodies are increasingly focusing on situations calling for urgent action and devising new procedures in order to make their recommendations more effective. In this context, the Human Rights Committee has appointed rapporteurs for the follow-up on final views on communications; members of the Committee on the Elimination of Racial Discrimination carried out good-offices missions; regional meetings were organized in cooperation with UNICEF to support the activities of the Committee on the Rights of the Child; country missions were carried out by the Committee against Torture and the Committee on Economic, Social and Cultural Rights under their respective mandates. The Committee on the Elimination of Racial Discrimination has envisaged the possibility of taking early warning measures aimed at preventing conflicts relating to racial discrimination.

40. The World Conference called for the strengthening of special procedures, which include rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. There are currently 14 thematic working groups or special rapporteurs, and 5 thematic mandates entrusted to the Secretary-General. In addition, there are 11 country-specific special rapporteurs, 3 country-specific special representatives and 2 independent experts. Increased efforts at coordinating activities among various mandates have been made in the following areas: (i) joint urgent actions; (ii) joint missions to the field; and (iii) joint meetings and consultations with respect to human rights situations in a given region or subregion. Following the recommendation by the World Conference, annual meetings of the holders of the mandates are organized by OHCHR. Unfortunately, limited resources have imposed serious constraints on the activities of special procedures, whose mandates cannot always be serviced as effectively and thoroughly as their importance would warrant.

## F. Technical cooperation programme

41. A strong programme of advisory services and technical cooperation was identified by the World Conference as a major contribution to building national capacities and thus improving respect for human rights. States were called upon to support these programmes, both through promoting a larger allocation from the United Nations regular budget and through voluntary contributions. Since 1993, the High Commissioner's technical cooperation programme has expanded significantly (see E/CN.4/1998/92). The number of activities carried out annually under the programme has more than tripled since 1993 and the number of countries where activities are taking place (currently 25) has increased accordingly. The programme offers a wide range of services to requesting Governments including: the promotion of democratic institutions, advice on development and human rights; human rights training and support to parliament, the judiciary, the police, the military and prison officials; assistance in establishing a constitutional framework; legislative reform and the administration of justice; the establishment and strengthening of national human rights institutions; the human rights aspects of free and fair elections; the promotion of human rights education; and support to non-governmental organizations and other civil society institutions. Expert advice and assistance is also available for human rights issues, such as the formulation and implementation of comprehensive human rights national plans of action, as recommended by the World Conference. However, national action plans for human rights have been adopted in only six States thus far, two of which were developed with assistance of OHCHR. The technical cooperation programme attaches particular importance to providing assistance to States in establishing and strengthening national human rights institutions. Assistance in this area is now regularly included in country projects. Cooperation between national institutions at the regional and global level is increasingly supported by OHCHR.

42. In order to ensure programme transparency, comprehensive reports are now issued each quarter covering the status of all ongoing and planned project

activities, as well as the status of contributions to the Voluntary Fund*. Annual voluntary contributions to the Fund have more than doubled since 1993 and the number of contributing countries has increased, reflecting both the importance attached to the programme and the increased confidence of States in the way the Fund is managed.

43. Many United Nations agencies and programmes report on the increasing resources being devoted to meet the growing demand from Governments for assistance in human rights-related areas. The relevant programmes are focusing on: (a) implementing specific human rights standards (for example, in the work of the ILO); (b) drafting and implementing national legislation; (c) providing assistance in governance, rule of law and the strengthening of civil society; (d) eliminating developmental obstacles to the full enjoyment of human rights, as, for example, poverty or food shortages. The implementation of the right to development guides these endeavours. The recently adopted UNDP policy paper "Human Rights and Sustainable Human Development" provides an important example in this respect. The High Commissioner cooperates with agencies and programmes in enriching development activities by a human rights approach.

### G. Human rights education

44. Human rights education was recognized by the World Conference as a vehicle for understanding, tolerance, peace and friendly relations between nations and all racial or religious groups and a major tool for the promotion of and respect for human rights. Teaching human rights to all people as the common language of humanity is the purpose of the United Nations Decade for Human Rights Education established in the aftermath of the World Conference. The role of human rights education and training for specific professional groups, including international civil servants, has been highlighted in the reports submitted in the context of the present Review. Human rights education should lead to the building of a universal culture of human rights, consistent with international human rights standards. Global realization is needed that human rights education is a long-term contribution to preventing human rights abuses. A strong input to efforts in this regard is made by close cooperation between OHCHR and UNESCO and other relevant United Nations programmes and agencies, academic institutions and non-governmental organizations.

## IV. HUMAN RIGHTS LEGAL FRAMEWORK

45. The universal acceptance of relevant international instruments provides the most stable and effective framework for the implementation of human rights standards. The World Conference specifically recommended that in the framework of the five-year implementation review of the VDPA "special attention should be paid to assessing the progress towards the goal of universal ratification of international human rights treaties and protocols adopted within the framework of the United Nations system" (Part II, paragraph 100).

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*See also the United Nations Human Rights Website: http://www.unhchr.ch.

46. Since the adoption of the Universal Declaration of Human Rights, the international community has adopted an impressive body of international human rights law. This new branch of international law includes not only instruments adopted by the General Assembly but also treaties adopted by specialized agencies, in particular, ILO and UNESCO. The elaboration of legal standards gives specific content to the rights deserving of international protection and, as such, is the necessary starting point for the full realization of human rights and freedoms.

## A. Standard-setting

47. After a period of intensive standard-setting, the international community is focusing on the implementation of adopted rules. This does not imply that the need for new standards in some areas does not exist or could not emerge in the future. The World Conference itself made several recommendations concerning standard-setting initiatives that were under way in 1993, in addition to calling for the adoption of new standards in a small number of specific cases. In particular, the VDPA urged the "speedy completion and adoption" of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (Part II, paragraph 94). Similarly, it called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, which would establish a preventive system of regular visits to places of detention (Part II, paragraph 61). These documents have yet to be adopted.

48. The World Conference also supported the launching of other standard-setting processes, including an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which would allow for individuals to file communications with the Committee on the Elimination of Discrimination against Women, and an optional protocol to the International Covenant on Economic, Social and Cultural Rights which would allow for individuals to file communications with the Committee on Economic, Social and Cultural Rights. A working group has been established to develop the draft for the first initiative. In response to the concerns expressed by the World Conference, the Commission on Human Rights established working groups to draft an optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts and an optional protocol to the same Convention on the sale of children, child prostitution and child pornography. Once the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities had completed a draft declaration on the rights of indigenous peoples, as recommended by the World Conference on Human Rights (Part II, paragraph 28), a working group was established by the Commission on Human Rights to continue the drafting efforts. Although the process of drafting new legal rules in the field of human rights is time-consuming, the need for the proposed standards should prompt all those involved to complete the standard-setting processes as soon as possible.

49. In this context, the very important work of human rights treaty bodies aimed at clarifying human rights standards should be highlighted. After the World Conference, the treaty bodies have continued to adopt general comments which express the views of these bodies concerning the content of standards and their implementation.

## B. Ratification of human rights treaties

50. Universal ratification of human rights treaties would create the basis for an effective worldwide system of protection of all people on all continents. The VDPA recommended that States undertake the necessary steps to become parties to the international human rights treaties and protocols adopted within the framework of the United Nations system (Part I, paragraph 26).

51. Considerable progress has been made in the area of ratification of the main international human rights treaties, including relevant optional protocols. As of 15 January 1998, there were a total of 1,016 ratifications or accessions to these treaties, an increase of nearly 28 per cent since the beginning of the World Conference (14 June 1993). In response to the World Conference's call for universal ratification of the Convention on the Rights of the Child by the year 1995, this treaty has achieved near universal ratification (191 States parties). At present, only two States Members of the United Nations are not parties to this Convention.

52. Another specific call was made by the World Conference for the universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000. The progress achieved in reaching this goal is less satisfactory. Although the ratification process has accelerated significantly, particularly since the Fourth World Conference on Women held in Beijing in 1995, the number of 161 States parties merits concern. Additional efforts are necessary to achieve the goal of universal ratification by the year 2000.

53. The level of ratifications of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, at 137 and 140, respectively, covers only three fourths of the membership of the United Nations. The International Convention on the Elimination of All Forms of Racial Discrimination now has 150 States parties. It is encouraging that over 30 States have ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since 1993. However, despite the World Conference's call for the "speedy ratification by all ... Member States" of this treaty, and the universal condemnation of torture as "one of the most atrocious violations against human dignity" (Part II, paragraphs 54 and 55), still only 104 States are parties to this Convention. It is a cause of serious concern that such a significant percentage of States Members of the United Nations still are reluctant to ratify the aforementioned treaties which are central to the system of the international promotion and protection of human rights. Another reason for disappointment is the fact that, seven years since its adoption by

the General Assembly, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has only nine States parties, less than half of the ratifications necessary for it to enter into force.

54. The World Conference recommended that States parties to human rights treaties also consider adhering to the existing optional communication procedure (Part II, paragraph 90). The "Vienna+5" Review should note progress in this regard but the level of acceptance achieved is not satisfactory. Only 25 of 150 States parties have made the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination which allows the Committee on the Elimination of Racial Discrimination to receive individual communications. Declarations on the comparable article of the Convention against Torture (article 22) have been made by only 39 of 104 States parties, while the optional protocol to the International Covenant on Civil and Political Rights establishing a communication procedure under the Covenant has been ratified by 92 States (taking into account the withdrawal by Jamaica).

55. The Secretary-General in 1994 sent letters to all heads of State drawing their attention to the World Conference's call for universal ratification of human rights treaties. Since then, the Commission on Human Rights and the General Assembly have systematically reiterated this call. In marking the start of the commemorative human rights year, 1998, the Secretary-General and the High Commissioner for Human Rights addressed appeals to all Governments, suggesting that they consider ratifying the core treaties to which they were not already a party.

56. With a view to implementing the relevant provisions of the VDPA and the relevant resolutions of the General Assembly, two regional meetings of high-level government officials were organized to discuss the substantive provisions of the principal international human rights instruments and individual communications mechanisms under some of the treaties; the obligations of States parties to implement the provisions of the instruments and to report thereon; the role of reservations; and obstacles to adhering to the instruments and strategies to overcome them. The meetings were held for the African and Asian-Pacific regions in Addis Ababa (14-17 May 1996) and in Amman (1-4 September 1997). They were attended by representatives of 16 and 18 Governments respectively. The meetings were assisted by experts from treaty-based bodies and officials from OHCHR. The recommendations of and conclusions drawn by the two regional meetings will assist the Secretary-General and the High Commissioner for Human Rights in their efforts to obtain universal ratification of the treaties.

57. In the context of preparations for "1998", the Inter-Parliamentary Union adopted a special resolution on 16 September 1997, calling on all Parliaments and their members to strengthen the impact of international human rights law on the domestic legal order. The resolution urges Parliaments to ensure that: (a) international and regional human rights treaties are ratified and reservations withdrawn; (b) national legislation is consistent with international human rights; (c) independent national human rights institutions are established; (d) necessary resources are provided for action to promote and protect human rights, especially through human rights education. In

connection with this resolution, the High Commissioner wrote to all the world's Parliaments, stressing the importance of the IPU recommendations therein and calling for them to be implemented.

58. The World Conference also encouraged States "to avoid, as far as possible, the resort to reservations" (Part 1, paragraph 26) and "to consider limiting the extent of any reservations they lodge to international human rights instruments, formulate any reservations as precisely and narrowly as possible, ensure that none is incompatible with the object and purpose of the relevant treaty and regularly review any reservations with a view to withdrawing them" (Part II, paragraph 5).

59. Unfortunately, since the adoption of the VDPA, the situation as regards reservations to human rights treaties has, if anything, deteriorated. Many new ratifications were accompanied by substantive reservations and few reservations made previously were withdrawn. The same can be said about the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, notwithstanding the VDPA's explicit statement of concern about the scope of reservations to these two treaties (Part II, paragraphs 39 and 46).

## V. CONCLUSIONS

60. The "Vienna+5" Review should evaluate the practical impact of the Vienna Declaration and Programme of Action. This is a complex task. By thoroughly analysing progress made in the implementation of the VDPA and pinpointing difficulties and obstacles to its full realization, the "Vienna+5" Review offers a unique opportunity to improve comparative knowledge of the current condition of human rights and thus guide future action. On this basis, the international community will be able to fully exploit the potential of the VDPA which will remain an invaluable yardstick for measuring progress in the years to come. An early lesson which can already be drawn from the Review process is that the "spirit of Vienna", which made the final consensus at the World Conference possible, must prevail in the implementation of the VDPA if it is to serve as a lasting example of the possibilities for cooperative international efforts to promote and protect human rights. The visible harmony of the principles proclaimed by the VDPA is reflected in many resolutions of the General Assembly and the Commission on Human Rights. However, this harmony is not established once and forever. To be maintained and strengthened, it requires continuous vigilance and, in particular, a renewed commitment to implementing all the recommendations made in Vienna.

61. Without prejudging the conclusions of the Review process, one can note that the progress achieved in the implementation of the VDPA does not merit self-satisfaction on the part of the international community. Too many cases of serious human rights violations continue to occur every day. The argument that progress in human rights has always been measured in quantitatively and qualitatively small steps may encourage more intensive efforts. But this argument does not help the victims of human rights violations - all those who suffer now. The international community should constantly bear this in mind.

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